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IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA P 12:04

ALONZO AUSTIN, Executor, For,
RUTH H. LEWIS, Estate
Plaintiff(s),

VS.

MODERN WOODMEN OF AMERICA, et al.,
CIVIL ACTION NO.
3:07-CV-138-MHT-WC

Defendant(s),

Motion for Summary Judgement by Plaintiff(s), in
response to, Motion to Dismiss by Defendant(s),

Plaintiff(s) pursuant to Rule 56 of the Federal Rules
of Civil Procedure, Moves the Court to enter
Summary Judgement for the Plaintiff(s).
On the grounds that there is no genuine issue
as to any material fact, and the Plaintiff(s),
is entitled to judgement as a matter of Law.

In Support of this motion, Plaintiff(s) refers
to the record in this action, including the Complaint,
the answer to it and Plaintiff(s)' attached affidavit.
And Exhibit A Letter of Acknowledgement.
And Exhibit B Document Evidence Embellishment Alonso Austin, Pro
Address: Alonso Austin, 1321 River-Carlis Rd., Tuskegee, AL 36083
Phone # (334) 727-5476

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA

ALONZO AUSTIN, Executor for |
RUTH H. LEWIS, Estate |
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vs. | CIVIL ACTION NO.
MODERN WOODMEN OF AMERICA | 3:07-CV-138-MHT-WC
et al, |
Defendant(s) |

Affidavit in Support of Motion for Summary Judgment

STATE OF ALABAMA } ss.
COUNTY OF MACON!

ALONZO AUSTIN, who, being first duly sworn,
deposes and says:

1. I am ALONZO AUSTIN, and have personal
knowledge of the facts set forth.

This affidavit is submitted in support of the
Plaintiff(s) motion for Summary Judgment,
for the purpose of showing that there is no
material fact, and that the Plaintiff(s)
is entitled to judgment as a matter of law.
No issue is constitutional in nature.

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2. THE Defendant(S) (THE MONTGOMERY CITY POLICE DEPARTMENT,) ordered Plaintiff(S), to Separate as we Were Leaving MASON MANOR, Assisted Living Facility On June 10, 1994, We, being Ms. RUTH H. LEWIS, and I , after we had Negotiated for several weeks with the "STATE OF ALABAMA BOARD OF LICENSURE" Representative, Mr. Guy Nevins, until it became abundantly clear he was Stalling and acting in bad faith.

3. Facility was holding Ms. Lewis, "against her Will," and had been doing so for sometime at least a few months before I was able to locate her. While in the facilities Ms. Lewis, would state to me ALONZO, Look I am the ONLY Black person in here please get me out of here. I've got 2 houses, money in the Bank, I receive 2 Checks a month, I don't Need to be Paying to Live here When I've got 2 houses do I?

4. Ms. Lewis then started to grow impatient with me, questioning whether I cared for her as she did me. I tried to reassure her that I did, but she'd always say "then get me out here now"

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5. I kept telling here I would as soon as
 MR. Guy Nevins, with the Board of Licensure²²
 assist. However that day never came, so
 after "Mr. Nevins," made himself unavailable I
 then place the facility, in question on Notice
 that I would use my Valid and Legal
 Authority, under the Durable General Power
 of ATTORNEY, to Lawfully remove MS.
 Lewis, On June 10, 1994. On the day
 in question, When I Came to pick up
 MS. Lewis, She was as happy as she could
 be, Saying things Like : ALONZO, I got
 to get my Suit Clean For Church Sunday
 I know the food is stale in that old Refrigerator
 ALONZO, Can we stop by the store on the way
 home? and I better Not ever see Juanita, with
 her low down Self!!! I Replied : Ruth, dont
 worry about that, I have first got to get you
 out of here!! She then replied what'cha
 mean? I Said I'll tell you later, let's Go!!
 She Said ALONZO, Wait I need to get my BIBLE,
 She Pick it up off the night stand ALLONG
 with her walking Stick and we, started for
 the Door as we approached the tension was
 so thick you could cut it with a knife!!!

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6. A Few Steps From the Side door, North end I made eye contact with the Administrator Just then I heard a firm knock on the door as I was about to reach for the handle And then from the other side of the door A Voice Called out MR. AUSTIN, "Please step outside," I said I'm coming as I opened the door Two Montgomery POLICE, Stated in unison Let the Lady go as I had her by the hand I stated if I turn her loose now she may Fall Down, Ruth, started to pray-Saying Jesus Please! Please Jesus, our Father help me!!! Once More the Officer Said Let the Lady Go, For the Last time Sir, and Please Step out Side-we just want to talk to you, out Side- "Step out Now!! Look!!! I Said Now Sir!! in A Louder Voice!!! Then I, reluctantly Complied and as I stepped outside the Other Officer Closed the Door behind me and Ordered me off the Premises. Stating You, are not to come back here, you may not be seen in or near the Premises I then asked on what Grounds?!! I have my Power hear, When I open up the Document they both immediately Turned their backs.

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8. And barked this order in a Very Loud, LOUD Menacing Manner "Get OFF the Place Now!!"

I began to cry like a baby as I walked a way I could hear Ms. Lewis saying Where IS ALONZO, What're you'll doing to him?!!!! "ALL I Want to do is Go home, Let me go Please!!" The administrator voice was plainly shaken as she tried to quiete Ms. Lewis.

9. This was the Last time I would ever see the Principal alive. Then I go to the Montgomery Police Department, and MASON Manor, On this day and at that time They joined with all the other state actors "Under the Color of State Law" See Exhibit "A" attached. A Letter from facility acknowledging INVOLVEMENT From the owner, CRIS MASON. In Conclusion.

9. The mental abuse statute applies Section 38-9-8, code of Al. 1975 in this case the Law enforcement officials who were suppose to be her protectors were actually the "Abusers" Their actions were particularly painful and frightening to not just MS. LEWIS, but to the Other residents as well!! The actors were Aiding and Abetting as ~~goat~~ ~~treasors~~ "under the color of STATE Law." by preventing Plaintiff(s) From returning to Turkeyee,

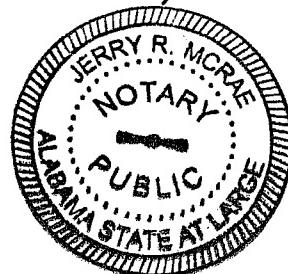
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Where I've since discovered Ms. LEWIS
Bank account at South trust Bank
in Tuskegee, was closed and reopened
ON 3/4/94 in Marita K. Upshaw's
Name, "under the color of STATE Law"!!!!
That Fraudulent Guardian and Conservatorship
See Document attached as exhibit ~~B~~ the amount of
~~\$72,810.69~~ Constituting Embezzlement.
NOTE: ATTORNEY BIGGERS & NATHANSON (names at bottom of document)

by Alonzo Austin, Prose
Alonzo Austin, Prose

Jerry R. McRae, Notary

Com. Expires 2-28-09



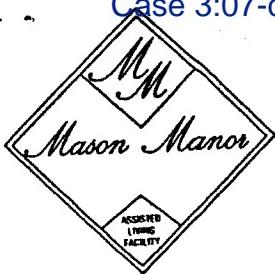
CERTIFICATE OF SERVICE

I do hereby Certify that I have this day Served a copy of the foregoing document upon

ATTN: Kimberly O. Fehl
Legal Department
CITY OF Montgomery
P.O. Box 1111
Montgomery, Al 36101-1111

by depositing same in the UNITED STATES mail with adequate first class postage thereon to ensure delivery.
This the 4th day of April, 2007

Alonzo Austin, Omega
by Alonzo Austin, Omega
Alonzo Austin
1321 Oliver-Carlis Rd.
Tuskegee, Al. 36083
Ph. # (334) 727-5476



Mason Manor
Assisted Living Facility for the Senior Citizen

EXHIBIT A
Exhibit "A"

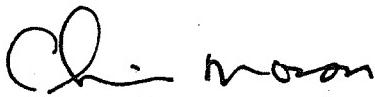
June 15, 1994

Mr. Alonzo Austin
1321 Oliver-Carlis Road
Tuskegee, Alabama 36083

Dear Sir:

In response to your letter dated June 12, 1994, Ruth H. Lewis was entered into Mason Manor by Mrs. Upshaw, her aunt. She is not being kept against her will and I told you and Mrs. Upshaw that Mrs. Lewis would have to be moved from Mason Manor by June 30, 1994. Mason Manor does not and will not be involved in a family matter.

Sincerely,


Chris Mason
MASON MANOR

CM/jm

SouthTrust Bank AUBURN, AL

EXHIBIT B From the file

NON-BUSINESS 0406 REV. 06/93

ACCOUNT TITLE:

JUANITA K UPSHAW CONSERV
& GDM OF RUTH H LEWIS

BR.	ACCOUNT NUMBER	PROG. CODE
003	29 953 181	200
TAX I.D.		OFFICER NUMBER
424-24-6993	027	
FIRST DEPOSIT	DATE OPENED	BANK NO.
\$ 72810.69	03/04/94	075

ACCOUNT TYPE	TYPE OF DEPOSITOR	
CHECKING	FIDUCIARY (e.g. EXECUTOR, TRUSTEE, ADMINISTRATOR, GUARDIAN)	
SAVINGS	UNINCORPORATED NON-BUSINESS ASSN (e.g. CHURCH, SCHOOL, CHARITABLE ORGANIZATION, ETC.)	
SOURCE OF FUND CODE	WIRE CODE:	OPENED BY (FULL NAME OF EMPLOYEE)

CHECKS WILL BE SIGNED BY ANY _____ OF THE FOLLOWING:

1. Juanita K. Upshaw	TYPE OR PRINT NAME JUANITA K. UPSHAW
2.	
3.	
4.	
5.	
6.	

1. AND COUNTERSIGNED BY ANY _____ OF THE FOLLOWING:	TYPE OR PRINT NAME
2.	
3.	
4.	
5.	

ACCOUNT NUMBER 29 953 181	REREFERRED BY:
PHONE #: 205-726-0639	
LOCAL ADDRESS: P O BOX 275	CITY, STATE, ZIP TUSKEGEE, AL 36087
PRIMARY MAILING ADDRESS: P O BOX 275	CITY, STATE, ZIP TUSKEGEE AL 36087

The depositor named below hereby agrees to abide by and be bound by the Bank's Rules and Regulations Governing Deposit Accounts and its Schedule of Services and Service Charges, and by all amendments made to either of them from time to time or to the depositor. The undersigned acknowledges receipt of a copy of such Rules and Regulations and Schedule of Service Charges as presently in effect. The undersigned confirms that the primary purpose of this account is for personal, family or household purposes, and the undersigned also acknowledges receipt of a copy of the Truth-in-Savings Account Disclosures for this account.

Certification.—Under penalties of perjury, I certify that

- (1) The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- (2) I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding.

Certification Instructions.—You must cross out item (2) above if you have been notified by the IRS that you are currently subject to apply. For mortgage interest paid, the acquisition or abandonment of secured property, contributions to an individual retirement arrangement (IRA), and generally payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN.

JUANITA K. UPSHAW CONSERV & Gdm of Ruth H. Lewis

Depositor's Name: H. Lewis
Title: Conserv & Gdm
Signature: Juanita K. Upshaw

Comments:

Ms. Linda Peoples

PLEASE COMPLETE THE RESOLUTION ON BACK IF DEPOSITOR IS AN UNINCORPORATED NON-BUSINESS ASSOCIATION.
 (1) Mr. & Mrs. WILSON (South trust)
 M. ENNEFEE, Dr. Story, George Clay (Embezzlement)
 Deborah Biggers Law firm and FRED Gray ST. Law firm + partner
 Conspirators under the color of State Law,!! (2)

(Deborah Biggers Atty.) (Allen Matheson Atty.)

Effects
For
Technology
Ruth
H.
Louis